

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

OCT 11 2006

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**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

**MUR 5661**

Date Complaint Filed: May 31, 2005

Date of Notification: June 8, 2005

Last Response Received: June 22, 2005

Date Activated: May 24, 2006

Expiration of Statute  
of Limitations:

February 4, 2010

**COMPLAINANT:**

John W. Geisler

**RESPONDENTS:**

Keith Butler

Keith Butler for U.S. Senate and

George Robert Archer Jr. in his official capacity as  
treasurer

Word of Faith International Christian Center

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## First General Counsel's Report

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MUR 5661

RELEVANT STATUTES AND  
REGULATIONS:

2 U.S.C. § 431(2)  
2 U.S.C. § 432  
2 U.S.C. § 433  
2 U.S.C. § 434  
11 C.F.R. § 100.72  
11 C.F.R. § 100.131  
11 C.F.R. § 101.1  
11 C.F.R. § 101.3  
11 C.F.R. § 104.3

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

The matter involve the "testing the waters" exemption.

## First General Counsel's Report

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While we believe Keith Butler's literature came close to crossing the line from exploring a possible campaign into actual candidacy, we do not believe he crossed it so as to have made the filing of his Statement of Candidacy untimely. Accordingly, we recommend that the Commission find no reason to believe that that Keith Butler, Keith Butler for U.S. Senate and George Robert Archer Jr., in his official capacity as treasurer (the "Butler Committee"), or Word of Faith International Christian Center, another respondent in this matter, violated the Act or the Commission's regulations, and close the file as to them.

PAGES 4-11 HAVE BEEN REMOVED

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## First General Counsel's Report

**III. MUR 5661 (KEITH BUTLER AND THE BUTLER COMMITTEE)****A. Factual Background**

The complaint in MUR 5661 alleges that Butler distributed "high quality" campaign literature and announced to Republican State Convention delegates on February 4, 2005 that he had raised over \$100,000 "in his campaign for the U.S. Senate." It also alleges that Butler would have had to pay for hotel accommodations for his 10 to 20 campaign workers who accompanied him to the convention. The complaint asserts that because Butler failed to file a Statement of Candidacy with the Commission until April 13, 2005, rather than at the time that he received or spent over \$5,000, Butler and the Butler Committee are in violation of the Act.

In response, Butler submitted a sworn affidavit, in which he avers that from the last week of December 2004 when he announced the formation of his exploratory committee, through mid April 2005 when he filed his Statement of Candidacy, "he was only exploring the race and consistently communicated that." Butler Affidavit at ¶ 4. He also states in his affidavit that he did not speak to 1,000 delegates at the February 4, 2005 Republican State Convention as one body, as suggested by the complaint. Rather, he addressed the many separate congressional district caucuses; at each caucus stop, he said that he had raised over \$100,000 for his exploratory effort. With respect to expenses for "campaign workers," Butler stated that he had no "campaign" at the time, and was relying on volunteers. Butler Affidavit at ¶ 8. He stated that

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## First General Counsel's Report

1 he would be reporting any expenses relating to his exploratory efforts in his first required filing,  
2 due after his response to the complaint.

3 Butler affirms that at the convention "[h]igh quality informative literature" was  
4 distributed. *Id.* at ¶ 6. However, he states that volunteers distributed it, it was labeled as paid for  
5 by his exploratory committee and it does not contain any statement that he had decided to run.  
6 According to Butler, the purpose of the literature was "to see if my background would attract  
7 sufficient interest and volunteers for a U.S. Senate race, if I were to make the decision to run."  
8 *Id.* at ¶ 8.

9 The "literature" at issue apparently is a brochure, reproduced at Attachment 3. The left  
10 side of the brochure's front page prominently includes the words "Keith Butler Fresh New  
11 Leadership" above a Butler family photograph. The second page of the brochure is entitled  
12 "Biographical Resume for Keith A. Butler," and discusses his professional and personal  
13 accomplishments. The third page includes pictures of Butler with, among others, Presidents  
14 Ronald Reagan, George H.W. Bush, and George W. Bush. In three instances, the literature  
15 displays the wording "Keith Butler for U.S. Senate Exploratory Committee."

16 The last page of the literature consists of an excerpt from a January 2, 2005 *Detroit News*  
17 article entitled "Pastor considers Senate Run," written by George Weeks. The excerpt notes that  
18 Butler "is considering running against first-term U.S. Sen. Debbie Stabenow in 2006" and that he  
19 is "forming an exploratory committee for a possible challenge of Stabenow." The excerpt quotes  
20 Butler as saying "She is indeed vulnerable. . . . Ask 100 people to name what she has done.  
21 They can't say what she brings to the table. Our state needs more assistance from Washington."  
22 Additionally, the excerpt quotes a Republican National Committee member who states his belief  
23 that Butler "is in" the race, regardless of who else runs for office. The exact number of Keith

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## First General Counsel's Report

1 Butler brochures distributed at the Convention is unknown, and the available information does  
2 not indicate that the brochure was distributed in any other manner, as for example, by mailing.

3 **B. Analysis**

4 the mere fact that Butler  
5 had raised \$100,000 by February 4, 2005, approximately two months before filing his Statement  
6 of Candidacy, is not dispositive of whether he had crossed the line from "testing the waters" to  
7 candidate status. Based on the available public information, only the literature Butler distributed  
8 at the Republican State Convention raises any questions whether Butler had decided to run by  
9 that time.

10 In Advisory Opinion 1981-32, the Commission expressed concern about a candidate who  
11 was purportedly only "testing the waters" preparing and printing a biographical brochure and  
12 possibly photographs. The Commission noted that such activity envisions "considerable public  
13 contact and could entail a purposeful, active effort to gain all possible political benefit from those  
14 contacts." Further, the Commission noted that such materials could project the possible  
15 candidate to the public as a person qualified to be taken seriously as a contender for Federal  
16 office, "rather than as a means to ascertain if he would be so perceived by the public."  
17 Nevertheless, the Commission concluded that distributing such materials would be consistent  
18 with "testing the waters," so long as such activity was intended to help make a decision whether  
19 to run, and not to obtain affirmation or reinforcement of a private decision that had already been  
20 made.

21 Butler avows in his affidavit that his brochure was intended to gauge whether his  
22 "background would attract sufficient interest and volunteers for a U.S. Senate race, if [he] were  
23 to make a final decision to run." Butler Affidavit at ¶ 6. Although the literature showcases

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## First General Counsel's Report

1 Butler as a viable prospective candidate with words ("Fresh New Leadership" and biographical  
2 data) and images (pictures of Butler with U.S. Presidents), it does not contain statements from  
3 him indicating he has made a decision to run, is "ready" to run, or even that his experience will  
4 make him a good Senator. As such, it is not facially inconsistent with the purpose Butler has  
5 ascribed to it. That leaves as the only issue whether by attaching the news article, Butler has  
6 crossed the line from "testing the waters" to candidacy.

7 In some respects, the article attached to the Butler literature  
8 include critiques by the potential  
9 candidate of their possible general election opponents. contain statements by someone  
10 other than the potential candidate as to their status in the race;  
11 while with Butler, the article quotes a  
12 Republican National Committee member stating that although there are several prospective  
13 Republican challengers, he "believes Butler 'is in, no matter who runs.'"

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18 Butler merely includes the  
19 excerpted article stating someone else's belief that he "is in," and he makes no further reference  
20 to the article elsewhere in his brochure.

21 Moreover, statements in the Butler article focus on Butler's consideration of a run,  
22 thereby indicating he has not yet made a decision. The article is entitled "Pastor considers  
23 Senate run," notes that "Butler ... is considering running against first-term U.S. Sen. Debbie

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## First General Counsel's Report

1 Stabenow in 2006,” and states that “Butler ... is forming an exploratory committee for a possible  
2 challenge of Stabenow.”

3 Butler himself makes no such statement and leaves  
4 the reader uncertain about his decision to run for office. Although we think that by attaching the  
5 article, Butler approached the line separating “testing the waters” from candidacy, we also think  
6 he did not cross it.

7 Finally, the complaint also appears to allege that the Word of Faith International  
8 Christian Center (“Word of Faith”), a non-profit corporation of which Butler is the pastor, made  
9 a prohibited contribution by providing space to Butler to run his campaign.<sup>7</sup> Additionally, the  
10 complaint suggests that the Butler Committee’s exploratory campaign website included a link to  
11 Word of Faith’s website for purposes of contact information. Butler denies in his affidavit that  
12 he used Word of Faith’s facilities, noting that his “exploratory effort was run . . . out of space in  
13 the basement of [his] home and not out of [his] office” at Word of Faith. He also states that he  
14 used a post office suite number to collect mail. With respect to the website link allegation,  
15 George Bridges, who prepared Butler’s exploratory campaign website, states in an affidavit that  
16 the exploratory campaign’s website did not include a link to Word of Faith’s website. We have  
17 no reason to doubt these sworn statements. Accordingly, we recommend that the Commission  
18 find no reason to believe that Keith Butler, Keith Butler for U.S. Senate and George Robert  
19 Archer Jr., in his official capacity as treasurer, and Word of Faith International Christian Center  
20 violated the Act or the Commission’s regulations, and close the file in MUR 5661.

<sup>7</sup> According to Dun and Bradstreet and filings with the Michigan Department of Labor and Economic Growth, Word of Faith is the assumed name of Word of Faith Christian Center, a domestic non-profit corporation.

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First General Counsel's Report

IV. PROPOSED CONCILIATION AGREEMENT

V. RECOMMENDATIONS

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## First General Counsel's Report

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8. Find no reason to believe in MUR 5661 that Keith Butler violated the Federal Election Campaign Act of 1971, as amended, or the Commission's regulations.

9. Find no reason to believe in MUR 5661 that Keith Butler for U.S. Senate and George Robert Archer Jr., in his official capacity as treasurer, violated the Federal Election Campaign Act of 1971, as amended, or the Commission's regulations.

10. Find no reason to believe in MUR 5661 that Word of Faith International Christian Center violated the Federal Election Campaign Act of 1971, as amended, or the Commission's regulations.

11. Approve the appropriate letters in MUR 5661.

12. Close the file as to all respondents in MUR 5661.

Lawrence H. Norton  
General Counsel

Date

10/10/06

BY:

Lawrence L. Calvert, Jr.  
Deputy Associate General Counsel  
for Enforcement

Susan L. Lebeaux  
Assistant General Counsel

Roy Q. Lockett  
Attorney

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First General Counsel's Report

Attachments:

Keith Butler Literature

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*Keith  
Butler  
New  
Fresh  
Leadership*

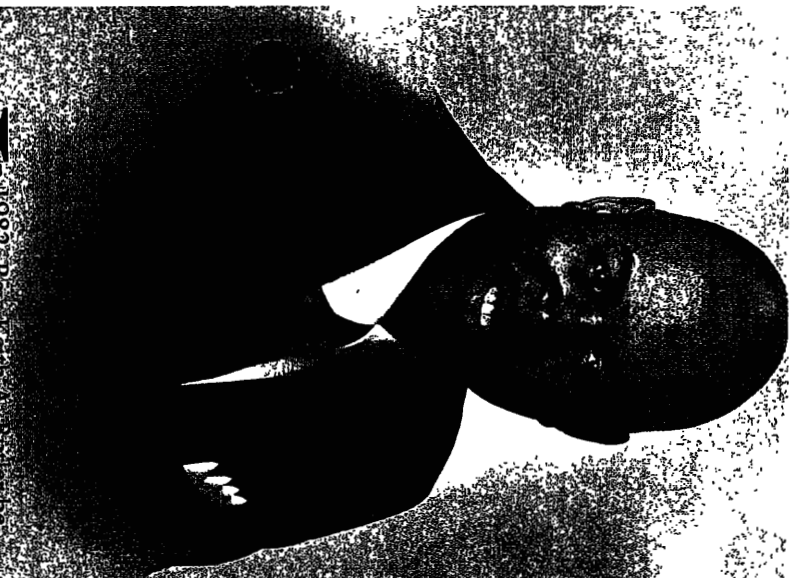


*KB*

KEITH BUTLER

*for U.S. Senate  
Exploratory Committee*

Paid for by Keith Butler for U.S. Senate Exploratory Committee  
19785 W. 12 Mile Road Suite #637 Southfield, Michigan 48076  
T.: 248.443.9645 F.: 248.641.3893  
butlerkeith@sbcglobal.net www.keithabutler.com  
George R. Archer, Jr., Treasurer



# Biographical Resume for Keith A. Butler

eighty percent of Detroit's residents identified themselves as Democrats. He was the first known Republican to hold any political office in the city of Detroit since Detroit's World War II. Rev. Butler served a four-year term.

In addition, Rev. Butler was selected to be one of Ten Outstanding Americans for 1989 by the United States Junior Chamber of Commerce and was honored by President George Bush at the White House in the same year.

In 1991, the nation witnessed the brutal beating of Rodney King by police officers in Los Angeles, California.

President Bush invited Rev. Butler to provide valuable input regarding the White House's response to this event and the L.A. Riots resulting. The following year (1992), Rev. Butler served on the National Platform Committee for the Republican Party, assisting other Party members with drafting the language for the Party Platform. At the Republican convention that year, Rev. Butler also delivered the introductory speech for former Congressman, Newt Gingrich.

Rev. Butler was a member of American Dreamers, the late Heinz Pechter's GOP Fundraising Committee, supporting the 2000 presidential nominee, President George W. Bush. In addition, Rev. Butler has also served as a member of the Michigan Republican State Committee. Added to his list of accomplishments is his service as a 2004 co-chair for Bush/Cheney.

Rev. Butler has appeared on various political and news programs to discuss the differing political issues facing the national and metropolitan Detroit communities.

## MINISTERIAL

The founding pastor of Word of Faith International Christian Center Church, Rev. Butler is the Senior Pastor of the 21,000 member congregation; he is also the employer of over 200 ministry employees and manages an annual operating budget of over 30 million dollars. The headquarters site sits on 110 acres of land which houses all the ministry's buildings representing over \$40 million in value.

Rev. Butler can be seen on national and local TV and can be heard on various

radio broadcasts. He is a contributing writer to The Detroit News, writing editorial commentary on a variety of important issues.

## PERSONAL

Rev. Butler was graduated from the University of Michigan, Dearborn campus, earning a Bachelor's degree. He also has completed his theological studies at Rhema Bible Training Center in Tulsa, Oklahoma. In addition, Rev. Butler has received an honorary Doctor of Divinity from Canada Christian College in Theological Studies.

Rev. Butler has been married 29 years to his lovely wife, Deborah L. Butler. They have three children who now serve with them in the ministry: Pastor & Mrs. Keith A. Butler II, Minister Michelle Butler, and Minister Kristina Butler. The Butler family resides in the metropolitan Detroit area.

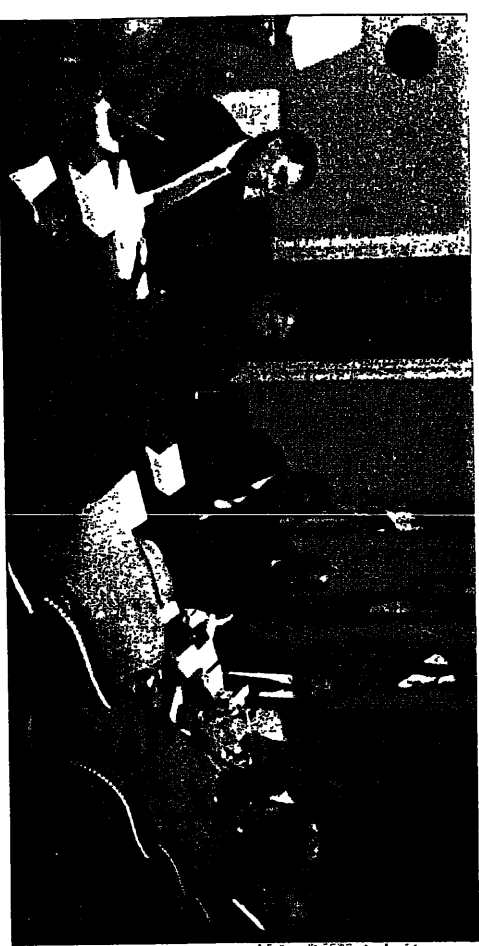
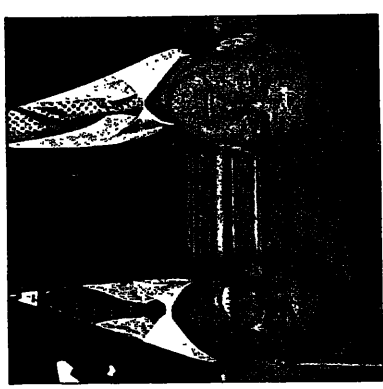
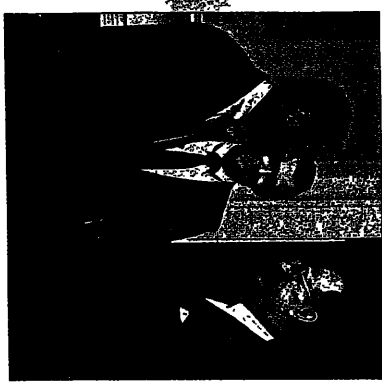
In 1982, Rev. Keith A. Butler became a member of the Michigan Republican Party. One of his first political volunteer experiences was on the campaign of Mr. Richard Headlee, candidate for Governor. Rev. Butler was given the assignment of developing and writing the Urban Communications Plan for Mr. Headlee.

In 1984, Rev. Butler ran for the office of Precinct Delegate and won. In that same year, then Republican Party Chairman, Mr. Paul Gadola, appointed Rev. Butler to be the State Chairman of Blacks for Reagan/Bush. Two years later, Rev. Butler served as Statewide Director of the Urban Coalition for Bill Lucas for Governor campaign.

In 1989, Rev. Butler was elected in a city-wide vote to the Detroit City Council; he garnered 43% of the votes in a city of 1.1 million residents. Eighty-

# Keith Butler

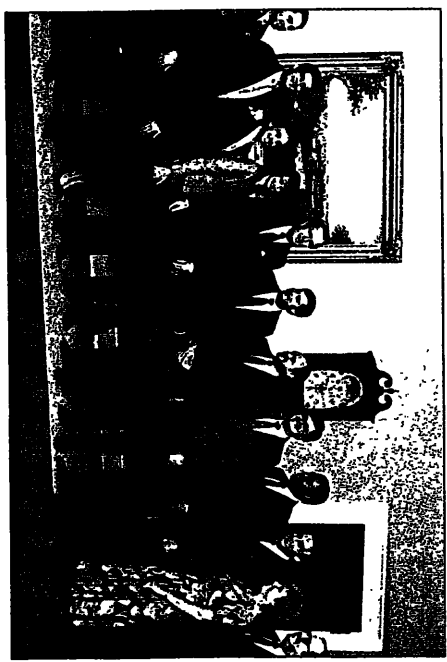
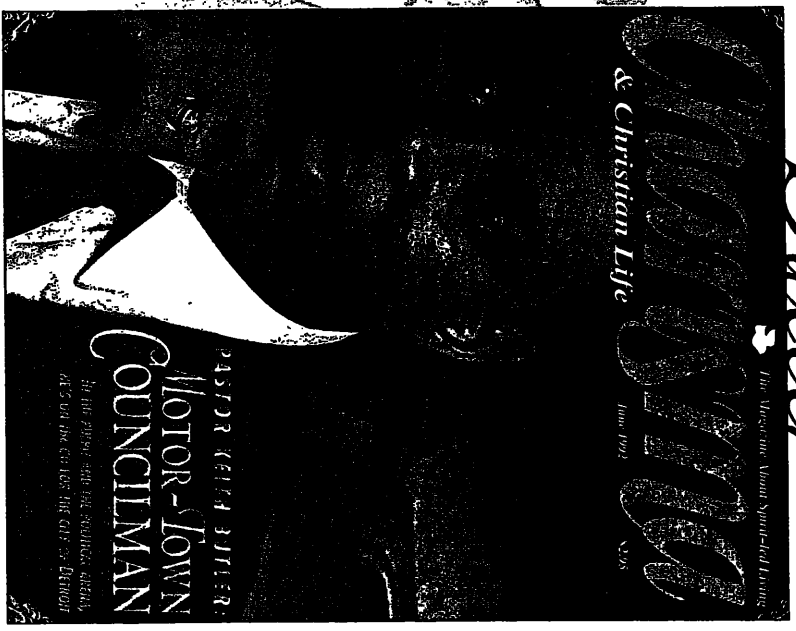
has been asked to give advise to our Presidents on a variety of issues.



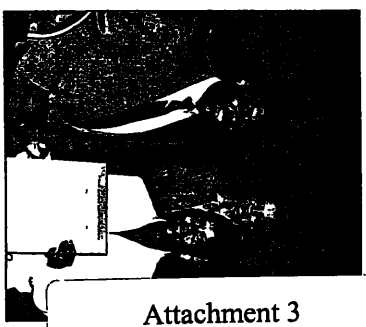
Clockwise from top: Keith Butler with President Ronald Reagan; Keith Butler and President George H.W. Bush; Keith Butler with President George W. Bush; Keith Butler around White House conference table with President George H.W. Bush discussing policy issues (middle).

# Keith Butler

served a four-year term (1989 - 1993) on the Detroit City Council.



Clockwise from top: Cover of Charisma Magazine after elected to Detroit City Council; Former Councilman Butler presenting city council testimonial resolution; Keith Butler on the cover of the Jaycees Magazine after being selected as one of Ten Outstanding Americans for 1989 by the United States Junior Chamber of Commerce; Keith Butler with President Bush at ceremony for Ten Outstanding Americans for 1989 (forth from right).



# The Detroit News Metro

Sunday, January 2, 2005

## Pastor considers Senate run

Church founder and GOP-backer the Rev. Keith Butler  
its sights on Stabenow's seat.

By George Weeks/The Detroit News

"The Rev. Keith A. Butler, a former Detroit councilman who has helped Republican candidates for governor and president, is considering running against first-term U.S. Sen. Debbie Stabenow in 2006.

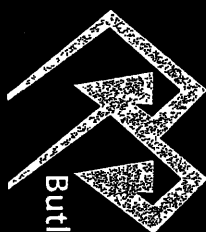
Butler, founding pastor of the Southfield-based Word of Faith International Christian Church, received a standing ovation at the conclusion of a New Year's Eve service upon informing his congregation that he is forming an exploratory committee for a possible challenge of Stabenow.

"She is indeed vulnerable," Butler, 49, said in an interview. "Ask 100 people to name what she has done. They can't say what she brings to the table. Our state needs more assistance from Washington."

"Republican National Committee member Chuck Yob, who was among party leaders contacted by Butler, said Saturday, 'we have a raft of prospective challengers, but he believes Butler 'is in, no matter who runs. He's conservative and formidable. He's not well-known statewide, but he's a proven vote-getter in Detroit.'

A rare Republican on the City Council, Butler was elected in 1989 to a four-year term.

Butler was an adviser on urban matters for the 1982 gubernatorial nominee Richard Headley; state chairman of Blacks for Reagan-Bush in 1984; statewide director of the urban coalition of the Bill Lucas for Governor Committee in 1986; a Michigan leader of New York Congressman Jack Kemp's 1988 bid for the presidential nomination; and President George H.W. Bush's designee as deputy chairman of the 1992 Republican National Convention."



Butler, a former member of the

Republican State Committee, gets

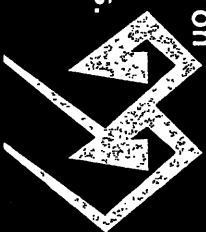
high marks in the party for his

efforts on behalf of statewide

candidates and for being an

articulate communicator on

state and national issues.



Saul Anuzis, Lansing Businessman  
The Detroit News, January 2, 2005